



## Proposed Temporary GTA GRC Procedures

The Public Employer Employee Relations Act (PEERA) imagines state agencies and employee organizations working together in a harmonious and cooperative relationship, within a bedrock of full and open communication. This is also our ideal. Towards this end, these three tenets form the basis of our philosophy of escalating grievances.

1. Grievances are best resolved quickly, to avoid the hostilities and resentment that breed with time.
2. The attitude of those involved in a grievance, guide the grievance, as do the tone of proceedings set by the Memorandum of Agreement. The more cooperative we act, the more cooperative the parties will feel.
3. Grievance proceedings should take special care to avoid the appearance of hostility, of two “sides” coming for “judgement”, and should not in any way resemble a courtroom or trial.

Instead of a trial-like atmosphere, we at GTAC imagine a stakeholders in a community with shared difficulties assembling to engage in mutual problem-solving towards our shared mission. We believe that the more problems we solve together in a positive manner, the easier it will become to work together cooperatively.

Towards that end, we are proposing a set of temporary GTA GRC procedures. These procedures could be used strictly for this exigent grievance or as an overall interim Step 4 procedure until a new agreement is ratified by our membership and the Kansas Board of Regents in late Fall 2020 or early Spring 2021, as the University prefers. With that in mind, we have prepared two timelines: one for this grievance and one for any other grievances that may occur or have occurred prior to this date.

Within our proposal, there are two major deviations from the GTA GRC procedures outlined in our contract. Both are marked *\*with an asterisk and in italics where referenced*.

The first deviation pertains to the administrative review of the decisions of the GTA GRC. Our Memorandum specifies that the Dean of Graduate Studies would provide this review. However, this position was removed during a reorganization shortly after ratification, causing a technical violation within our contract. In the interim, we propose that the Provost of the University serve in place of the Dean of Graduate Studies.

Second, in our previous attempts to convene the GTA GRC, we encountered resistance from former KU HRM administrators with regards to the GTA GRC convening as agreed in our Memorandum — i.e. without their involvement. Because we value the development of cooperative relationships, and the knowledge of operations and continuity that would come with including organizational representatives, we are proposing that a representative from KU HRM and one from GTAC/AFT-Kansas join the GTA GRC in a non-voting capacity.

**The proposed timeline to hear this grievance:**

- **By 8/12/2020:** The Dean of the Law School should provide to the President of Faculty Senate the names of four (4) Law School faculty members who may be eligible to serve on the GTA GRC for Fall 2020.
- **By 8/14/2020:** Appointments for the GTA GRC for Fall 2020 shall be made as follows: The Faculty Senate Executive Committee (FacEx) shall appoint two (2) faculty members from the list provided by the Dean of the School of Law and two (2) additional faculty members not from the School of Law. The Student Executive Committee of the Student Senate shall appoint two (2) undergraduate students. The Graduate Teaching Assistants Coalition shall appoint four (4) unit members. *\*KU HRM and GTAC/AFT-Kansas may each send one non-voting representative to GTA GRC hearings.*
- **By 8/16/2020:** The President of Faculty Senate shall consult with the reviewers and convene a panel.
- **By 8/19/2020:** The panel will hear the grievance, prepare a finding of fact and recommendation for settlement, and send this to GTAC and the Provost of the University.
- **By 8/20/2020:** The Provost of the University shall provide a written response to the chair and to GTAC.
- **By 8/21/2020:** If accepted by GTAC, the resolution shall be implemented by 5pm on 8/24/2020.

**The proposed procedures to hear this grievance after reviewers are appointed:**

1. The President of Faculty Senate shall consult with these ten (10) reviewers to determine the best selection of panelists for hearing, contingent on availability and potential conflicts of interest, as follows:
  - a. One (1) faculty panelist
  - b. One (1) undergraduate student panelist
  - c. One (1) Law School faculty panelist
  - d. Two (2) panelists from GTAC
2. The chair shall select a date and time on or prior to 8/19/2020 based on the availability of the panelists and notify the parties of the meeting time, date, and location. The hearing shall be held via Zoom and chaired by the Law School faculty member. The Zoom meeting space and link shall be provided by GTAC.
  - a. Prior to the hearing, the panelists shall review the documents and evidence provided.
  - b. The hearing will begin with introductions as directed by the chair.
  - c. The parties (grievant then subject) will review their concerns and proposed resolution for the panel. This statement should take no more than twenty (20) minutes, but the chair may extend this time if requested. Afterwards, the panelists may ask questions and take time to review the documents and evidence.
  - d. The parties (grievant then subject) may each respond. This may include asking questions of the other party for the purpose of clarification. Responses should take no more than fifteen (15) minutes each, but the chair may extend this time if requested. The panelists may ask questions after each response.
  - e. The parties may each deliver a final statement. These statements shall take no longer than five (5) minutes, but the chair may extend this time if requested.
  - f. The parties shall exit the meeting and the panelists shall commence discussion:

- i. The panel should consider both the principles of the University and the intent of the Memorandum.
  - ii. The panel should favor resolutions which establish, restore, or improve the principle and procedure of full communication between the employer and the employee organization; establish, restore, or improve harmonious and cooperative relationships between workers and supervisors; and that protect the public by establishing, developing, or maintaining orderly operations.
  - iii. Ideally, the panel will come to consensus on the finding of fact and resolution. In the absence of consensus, a majority/minority vote shall prevail. This discussion should not take no longer than forty-five (45) minutes, but the chair may extend this time by request.
  - iv. When the discussion is complete, the chair shall assign a GTA panelist to do the work of drafting the finding of fact and recommendation for settlement. The GTA panelist shall share this draft, after which the panel shall review and come to agreement on the final document.
3. Within forty-eight (48) hours of the hearing, the panel will provide the finding of facts and recommendation for settlement to GTAC and the *\*Provost of the University, with a copy to the organizational representatives.*
  4. Within forty-eight (48) hours of the receipt of this finding of fact and recommendation for settlement, the *\*Provost* shall provide a written response with a resolution to the issue. Should the *\*Provost* depart from the recommendation of the GTA GRC, reasons for doing so will be provided in writing to the parties. If the *\*Provost* does not respond within this time, the resolution provided by the GTA GRC will stand as written.

**The proposed timeline for other Step 4 Grievances, if agreed by the University:**

- Within three (3) days of receipt of a Step 4 Grievance, the President of Faculty Senate shall consult with the reviewers and convene a panel to hear the grievance. The day of receipt will not count against these days.
- Within seven (7) days of notification by the President of Faculty Senate, the panel will hear the grievance. The day of notification will not count against these days.
- Within two (2) days of the hearing, the panel shall prepare a finding of fact and recommendation for settlement and send this to GTAC and the Provost of the University. The day of hearing will not count against these days.
- Within two (2) days of the receipt of the panel's finding of fact, the Provost of the University shall provide a written response with a resolution to the issue to the chair of the panel and to GTAC. The day of receipt will not count against these days. If the Provost does not respond within this time, the resolution provided by the GTA GRC will stand as written.
- Within two (2) days of the receipt of the Provost's response or lack thereof, GTAC shall accept or reject the resolution provided. The day of receipt will not count against these days. If the resolution is accepted by GTAC, the resolution shall be implemented within five (5) days.

**The proposed interim procedures to hear other Step 4 grievances, if agreed by the University:**

1. Step 4 Grievances should be sent to the President of Faculty Senate with a copy to Ms. Julie Thornton.
2. Within three (3) days, the President of Faculty Senate shall consult with these ten (10) reviewers to determine the best selection of reviewers based on availability and conflicts of interest as follows:
  - a. One (1) faculty panelist
  - b. One (1) undergraduate student panelist
  - c. One (1) Law School faculty panelist
  - d. Two (2) panelists from GTAC
5. The panel chair shall select a date and time based on the availability of the panelists and notify the parties of the meeting time and date, which must take place within ten (10) days of the receipt of the grievance by the President of Faculty Senate. The hearing shall be held via Zoom and chaired by the Law School faculty member. The Zoom meeting space and link shall be provided by GTAC.
  - a. Prior to the hearing, the panelists shall review the documents and evidence provided.
  - b. The hearing will begin with introductions as directed by the chair.
  - c. The parties (grievant then subject) will review their concerns and proposed resolution for the panel. This statement should take no more than twenty (20) minutes, but the chair may extend this time if requested. Afterwards, the panelists may ask questions and take time to review the documents and evidence.
  - d. The parties (grievant then subject) may each respond. This may include asking questions of the other party for the purpose of clarification. Responses should take no more than fifteen (15) minutes each, but the chair may extend this time if requested. The panelists may ask questions after each response.
  - e. The parties may each deliver a final statement. These statements shall take no longer than five (5) minutes, but the chair may extend this time if requested.
  - f. The parties shall exit the meeting and the panelists shall commence discussion:
    - i. The panel should consider both the principles of the University and the intent of the Memorandum.
    - ii. The panel should favor resolutions which establish, restore, or improve the principle and procedure of full communication between the employer and the employee organization; establish, restore, or improve harmonious and cooperative relationships between workers and supervisors; and which protect the public by establishing, developing, or maintaining orderly operations.
    - iii. Ideally, the panel will come to consensus on the finding of fact and resolution. In the absence of consensus, a majority/minority vote shall prevail. This discussion should not take no longer than forty-five (45) minutes, but the chair may extend this time by request.
    - iv. When the discussion is complete, the chair shall assign a GTA panelist to do the work of drafting the finding of fact and recommendation for settlement. The GTA panelist shall share this draft, after which the panel shall review and come to agreement on the final document.
6. Within forty-eight (48) hours of the hearing, the panel will provide the finding of facts and recommendation for settlement to GTAC and the *\*Provost of the University, with a copy to the organizational representatives.*
7. Within forty-eight (48) hours of the receipt of this finding of fact and recommendation for settlement, the *\*Provost* shall provide a written response to the parties with a resolution. Should the *\*Provost* depart from the recommendation of the GTA GRC, reasons for doing so will be provided in writing to the parties. If the *\*Provost* does not respond within this time, the resolution provided by the GTA GRC will stand as written.

### Estimated Time Commitments for Step 4 Grievance Participants:

Because grievances should only rarely rise to this level, it is important that time and care are taken to address the matter as it deserves. With that in mind, these are the estimated duties and time commitments for participants.

Time	Participant	Tasks
2 Hours	Faculty Senate President	<ul style="list-style-type: none"><li>• Consulting with reviewers and assembling a panel</li></ul>
5 Hours	Panel Chair	<ul style="list-style-type: none"><li>• Consulting with panel to schedule hearing</li><li>• Reviewing documents and evidence</li><li>• Hosting the hearing</li><li>• Reviewing the draft finding and recommendation</li><li>• Sending the finding and recommendation</li></ul>
4 Hours	GTA Panelist/Drafter	<ul style="list-style-type: none"><li>• Reviewing documents and evidence</li><li>• Attending the hearing</li><li>• Drafting the finding and recommendation</li></ul>
3.5 Hours	Other Panelists	<ul style="list-style-type: none"><li>• Reviewing documents and evidence</li><li>• Attending the hearing</li><li>• Reviewing the draft finding and recommendation</li></ul>
1.5 Hours	Provost	<ul style="list-style-type: none"><li>• Reviewing the GRC finding and recommendation</li><li>• Responding to the finding and recommendation</li><li>• Sending the response to the chair and GTAC</li></ul>
6 Hours	GTAC/Grievant	<ul style="list-style-type: none"><li>• Preparing for the hearing</li><li>• Attending the hearing</li><li>• Reviewing the GRC finding and recommendation</li><li>• Reviewing the Provost's response</li><li>• Accepting or rejecting the Provost's response</li></ul>
4-5 Hours	KU/Subject	<ul style="list-style-type: none"><li>• Preparing for the hearing</li><li>• Attending the hearing</li><li>• Implementing an accepted resolution</li></ul>

### Final Note:

These are the proposed temporary procedures for the GTA GRC for the settlement of this grievance and/or for other Step 4 grievances, if agreed by the University. We agree that these procedures are a temporary measure for exigent issues and are intended to ensure orderly operations while we are engaged in longer resolution processes, including biennial contract negotiations and/or PERB proceedings.